

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

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|------------------------------|---|---------------------------------------|
| LIONRA TECHNOLOGIES LIMITED, | § | |
| | § | |
| <i>Plaintiff,</i> | § | |
| | § | |
| v. | § | CIVIL ACTION NO. 2:22-cv-0322-JRG-RSP |
| | § | (Lead Case) |
| FORTINET, INC., | § | |
| | § | |
| <i>Defendant.</i> | § | |
| | § | |

ORDER


Defendant Cisco Systems, Inc. (“Cisco”) previously filed a Motion to Dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6) asserting that the patents in suit claim ineligible subject matter under 35 U.S.C. § 101. (Civil Action No. 2:22-00305, Dkt. No. 21.) Magistrate Judge Payne entered a Report and Recommendation (Dkt. No. 105), recommending denial of the motion. Cisco has now filed Objections. (Dkt. No. 113.)

After conducting a *de novo* review of the briefing on the motion, the Report and Recommendation, and Cisco’s Objections, the Court agrees with the reasoning provided within the Report and Recommendation. Even accepting as true Cisco’s proposition that the proper characterization of the claimed advance is “instructing a component to monitor only a single neighbor, instead of more than one neighbor in the ring” (Dkt. No. 113 at 6), such a characterization satisfies step one of the *Alice/Mayo* framework as described by the Federal Circuit in *TecSec, Inc. v. Adobe Inc.*, 978 F.3d 1278, 1292 (Fed. Cir. 2020), and the case law cited therein because “the focus of the claimed advance is on a solution to a problem specifically arising in the realm of computer networks” and because “the claim is properly characterized as identifying a specific improvement in computer capabilities or network functionality,

rather than only claiming a desirable result or function.” *Id.* at 1293 (compiling cases). Moreover, Cisco’s arguments at step one of the *Alice/Mayo* framework are more akin to novelty and obviousness than they are to eligibility. (See Dkt. No. 113 at 6 (“But, the use of a logical ring structure for monitoring the status of the network was known.”); see also *id.* at 7 (“Accordingly, the focus of the claimed advance is a basic, known idea for monitoring, applied to the known environment of a distributed computer system (instead of, for example, school children), and is therefore directed to an abstract idea at Alice Step One.”).)

Accordingly, the Court concludes that the Objections fail to show that the Report and Recommendation was clearly erroneous. Consequently, the Court **OVERRULES** Cisco’s Objections, **ADOPTS** the Report and Recommendation, and orders that the Motion to Dismiss, Civil Action No. 2:22-00305, Dkt. No. 21, is **DENIED**.

So ORDERED and SIGNED this 26th day of April, 2023.



RODNEY GILSTRAP
UNITED STATES DISTRICT JUDGE